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RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL PRIORITY
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DEPT FOR SCA.FO DAS GASTRIGHT, SCA/A,
STATE PASS TO USAID FOR AID/ANE,
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SUBJECT: EVENTS IN PARLIAMENT SEPTEMBER 30 - OCTOBER 11

SUMMARY

[1](#)1. (U) Parliament continued to debate and, in some cases, amend the 100-plus remaining Presidential decrees enacted before its establishment. Speaker Qanooni's ongoing dispute with President Karzai over constitutional authority found expression in parliament's attempt to override Karzai vetoes of two parliamentary initiatives: the first to raise the age of majority to 19 and the second to establish a constitutional oversight commission. A joint commission from the Wolesi Jirga (Lower House) and Meshrano Jirga (Upper House) reached a compromise (welcomed by the international community) on a bill regulating the media, which will be sent to Karzai for signature. The Lower House approved bills regulating protests and political party registration, and defining the military penal code. It also debated, but did not vote on a bill establishing a military penal system. The Upper House referred a bill on government land-leasing back to committee after conservative members asserted it might violate Sharia Law. Twenty five randomly selected members of the Upper House were offered free Umrah trips to Saudi Arabia courtesy of the Government of Saudi Arabia. End Summary.

Parliament-Palace Constitutional Struggle Continues

[1](#)2. (SBU) The Lower House-Palace constitutional powers dispute lost no steam. Lower House Speaker Qanooni failed to maintain quorum to override President Karzai's vetoes earlier this year of bills setting the age of majority and establishing a constitutional oversight commission. Pro-Karzai MPs left the session before the votes, breaking quorum. Qanooni plans another attempt to override the vetoes in coming weeks. (Comment: As proposed, a constitutional oversight commission would be responsible for interpreting the constitution and would include members appointed by parliament, an explicit challenge to Karzai personally and to the authority of the Supreme Court. End Comment.)

Compromise Produces Media Law Acceptable to IC

¶3. (U) A joint Upper and Lower Houses reconciliation committee reached consensus on a bill governing media regulation. The compromise encourages freedom of the press by separating state-sponsored Radio Television Afghanistan from the Ministry of Information and Culture, and affirming the independence from direct ministry control of the High Media Council, which oversees the Afghan press, television and radio. Advisors to Speaker Qanooni say parliament's legal office is finalizing the bill, and will transmit it soon to Karzai for signature.

Public Demonstrations, Political Parties

¶4. (U) The Lower House amended and approved a bill regulating police and protestor behavior during public demonstrations. One amendment specified that police may only use non-lethal force against protesters unless fired upon first. Other amendments criminalize threats of violence from protesters, forbid protestors from carrying weapons, and restrict participation in protests by some classes of persons. Foreigners are forbidden from participating in public demonstrations except those pertaining to international issues. Members of the army, police and intelligence service may not participate in protests.

¶5. (SBU) The Lower House passed a bill on political parties with two amendments that will raise the bar for registering new parties, but will not affect existing parties. The amended bill increases the number of signatures required to register a party from 700 to 5,000, and the fee for

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registering a party from one to two million Afghani (an increase from approximately 20,000 USD to 40,000 USD). The bill is intended to discourage the proliferation of small political parties, and was driven in part by larger parties and political groupings intent on forcing party consolidation.

----- Military Penal Code and Land Leasing Bills Hit Obstacles -----

¶6. (SBU) Lower House Approves Military Penal Code Bill, No Vote on Military Penal System Bill: The Lower House approved a bill containing the military penal code with no changes, and debated, but did not vote on a bill to establish a military penal system because it lost quorum. (Comment: While members of parliament sometimes leave sessions in order to deliberately break quorum for political reasons, they more often leave the chamber for competing meetings or simply because they're uninterested in the topic. Parliament's system for determining "presence" is partly responsible for the frequency with which the houses lose quorum. In order to count as present, members must be physically inside the house chamber. End Comment.)

¶7. (SBU) Upper House Conservatives Call Government Land-Leasing Bill Anti-Sharia, Stop Debate: The Upper House debated a bill on leasing government land, but returned it to committee when conservative members voiced concerns it might be against Sharia law. Discussion began with consideration of the term of government leases, but quickly turned to the admissibility of leasing government land at all under Sharia law. With debate stymied, members referred the bill to committee for additional research. (Comment: Conservative members of the Upper House played a decisive role by using Sharia law to stop discussion of a bill that appeared otherwise unobjectionable. Debate in both houses easily turns from secular to religious on issues, which to outside eyes might appear religiously innocuous. Even members themselves seem to have a difficult time spotting potential religious entanglements. The evening before the debate on

the government land-leasing bill, Second Assistant Secretary of the Senate Senator Abdul Khaliq told us he expected easy passage of the bill. End Comment.)

Trips to Mecca and Scotland

¶8. (SBU) Saudi Arabia Offers Free Umrah Trip to 25 Senators: Saudi Arabia offered during the last weeks of Ramadan an all-expenses-paid trip to Mecca for 25 randomly selected members of parliament's Upper House. (Comment: We interpret the Saudi's offer as an encouraging indicator of the Kingdom's support for Afghanistan's nascent governmental institutions. End Comment.)

¶9. (SBU) Parliament Breaks for Eid Holiday: Parliament did not reach quorum during any session in the week before Eid due to the absence of Speaker Qanooni, who attended a conference on parliaments in Switzerland. Qanooni has become a very effective marshal of the Lower House membership and manager of parliamentary debate. Many members also skipped plenary sessions in order to spend time with their families during this important religious holiday.

Looking Ahead

¶10. (SBU) Once sessions resume after the Eid holiday, parliament will continue to examine decrees enacted by Karzai before its establishment. Based on parliament's unofficial (and very tentative) schedule, some of the more notable items to be discussed include: an anti-narcotics trafficking agreement with China, a bill defining the Afghan court system, and discussion of the London Compact Strategic Agreement.

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¶11. (SBU) Some members of parliament have expressed a desire to combine as many of the remaining decrees as possible into an omnibus bill for consideration before the December 8 end of the current session. Some reportedly would like to open up the legislative calendar to consideration of issues they find of more compelling interest. MPs are generally becoming more conscious of the legislative calendar. During its first sessions, members often debated bills leisurely over several days, limiting parliament's productivity. Recently, bills are moving through both houses more quickly.

WOOD